

EXHIBIT 2

1 UNITED STATES DISTRICT COURT

2 WESTERN DISTRICT OF NEW YORK

3 -----
4 **BLACK LOVE RESISTS IN THE RUST, ET AL.,**
5 **INDIVIDUALLY AND ON BEHALF OF A CLASS OF**
6 **ALL OTHERS SIMILARLY SITUATED,**

7 Plaintiffs,

8 -vs-

1:18-cv-00719-CCR

9 **CITY OF BUFFALO, N.Y., ET AL.,**

10 Defendants.
11 -----

12 **EXAMINATION BEFORE TRIAL**

13 **OF MAYOR BYRON BROWN**

14 **APPEARING REMOTELY FROM**

15 **ERIE COUNTY, NEW YORK**

16
17 November 6th, 2023

18 At 9:00 a.m.

19 Pursuant to notice
20
21

22 REPORTED BY:

23 Rebecca L. DiBello, RPR, CSR(NY)

DEPAOLO CROSBY REPORTING SERVICES, INC.

135 Delaware Avenue, Suite 301, Buffalo, New York 14202
716-853-5544

—MAYOR BYRON BROWN—

1 approximately a half an hour.

2 Q. Okay. And when did that meeting take place?

3 A. Last week.

4 Q. Have you reviewed any documents or materials
5 to prepare for this deposition?

6 A. I read the complaint.

7 Q. By complaint you mean the complaint in this
8 matter, captioned Franklin v Buffalo, New
9 York?

10 A. Yes.

11 Q. And did you discuss today's deposition with
12 anybody other than your attorney?

13 A. No, I did not.

14 Q. You're currently the Mayor of the City of
15 Buffalo?

16 A. Yes, I am.

17 Q. You first took office in 2006 I believe?

18 A. Yes, I did.

19 Q. What term is this as far as your service as
20 mayor?

21 A. This is the fifth four-year term.

22 Q. Okay. Are you planning to seek another?

23 MR. SAHASRABUDHE: Objection to form.

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—MAYOR BYRON BROWN—

1 majority White neighborhood.

2 Q. And would you agree that the East Side of
3 Buffalo is a majority Black neighborhood?

4 MR. SAHASRABUDHE: Objection to form.

5 A. I would agree that the East Side of Buffalo is
6 a majority Black neighborhood.

7 Q. What forces have contributed to racial
8 segregation in Buffalo during your time as
9 mayor?

10 MR. SAHASRABUDHE: Objection to form.
11 You can answer.

12 A. I don't know if the forces that have
13 contributed to racial segregation occurred
14 during my time as mayor. As I indicated,
15 those forces are decades old. Bank redlining,
16 objections to desegregation of schools back in
17 the 70s, so a number of things that
18 contributed to segregation, decades and
19 decades before I came mayor.

20 Q. Would you agree that the trend of segregation
21 nonetheless persists to this day?

22 MR. SAHASRABUDHE: Objection to form.

23 A. What is the last part of your question? That

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—MAYOR BYRON BROWN—

1 the trends what?

2 Q. Persist to this day?

3 MR. SAHASRABUDHE: Objection to form.

4 A. There is still a presence of segregation in
5 the City to this day.

6 Q. Buffalo also has public housing, correct?

7 A. Yes, it does.

8 Q. And that's housing that administered by the
9 Buffalo Municipal Housing Authority or BMHA?

10 A. That's correct.

11 Q. And BMHA housing is income restricted?

12 A. Yes, it is.

13 Q. So you have to be living in poverty to be
14 eligible?

15 MR. SAHASRABUDHE: Objection to form.

16 A. You have to be low income generally to live in
17 Buffalo municipal housing.

18 Q. Okay. And residents of BMHA properties are
19 predominantly racial minorities in Buffalo,
20 correct?

21 MR. SAHASRABUDHE: Objection to form.

22 A. That's correct.

23 Q. I'd like to turn to your duties as mayor. How

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1 would you describe your chief
2 responsibilities?

3 A. My chief responsibilities are to prepare the
4 City budget, to manage the various departments
5 of the City of Buffalo and to deliver city
6 services to the residents of the community.

7 Q. Okay. Now, we'll get into that momentarily,
8 but as mayor is it fair to say that you're
9 also a policymaking official for Buffalo?

10 MR. SAHASRABUDHE: Objection to form.

11 A. It's fair to say that I am a policymaking
12 official.

13 Q. And what does that mean in your eyes?

14 MR. SAHASRABUDHE: Objection to form.

15 A. What that means is developing programs and
16 initiatives that help to deliver services to
17 the residents of the community and to
18 introduce legislation that can be reviewed and
19 approved, passed by the City Council.

20 Q. Got it. As mayor are you also able to issue
21 executive orders?

22 A. Yes, I am.

23 Q. Are you able to propose new policy?

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1 A. Yes, I am.

2 Q. Are you able to approve or veto the City
3 budget?

4 A. Yes, I am.

5 Q. Are you able to defend the City in litigation
6 when the City is sued or officials are sued?

7 MR. SAHASRABUDHE: Objection to form.
8 Go ahead.

9 A. The City Corporation Counsel is the attorney
10 for the municipal corporation.

11 Q. Do you have a role in lawsuits that are filed
12 against the City as far as, for instance,
13 determining whether a settlement should be
14 approved?

15 MR. SAHASRABUDHE: Objection to form.

16 A. I do not.

17 Q. Okay. And in areas like executive orders is
18 there anyone who can veto your decision?

19 A. I have not proposed a lot of executive orders.
20 The executive orders that I have proposed have
21 not been objected to.

22 Q. Okay. Now, as mayor do you have any
23 responsibilities related to municipal

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1 agencies?

2 MR. SAHASRABUDHE: Form.

3 A. I have management responsibilities with
4 municipal agencies.

5 Q. When you say management authorities what do
6 you mean?

7 A. So ultimately the mayor is the chief executive
8 officer of the administration of City
9 government and I manage the work of the
10 commissioners that manage the various
11 departments of City government.

12 Q. Okay. Does that include the Buffalo Police
13 Department?

14 A. Yes, it does.

15 Q. Does it include the Buffalo Traffic Violations
16 Authority or BTVA?

17 A. Yes, it does.

18 Q. Does that include the Commission on Citizens
19 Rights and Community Relations?

20 A. Yes, it does.

21 Q. Does it include the Buffalo Municipal Housing
22 Authority Commission?

23 A. No, not directly. I appoint commissioners to

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—MAYOR BYRON BROWN—

1 the Buffalo Municipal Housing Authority.

2 Q. Okay. So for the BMHA you have the authority
3 to appoint commissioners, correct?

4 A. Yes, that's correct.

5 Q. But with respect to the other agencies you
6 just described, you have broader managerial
7 powers?

8 MR. SAHASRABUDHE: Form.

9 A. Yes. I have management authority over other
10 City departments.

11 Q. Okay. And in the case of the Buffalo Police
12 Department, your authority extends beyond
13 merely appointing commissioners?

14 MR. SAHASRABUDHE: Form.

15 A. Well, we work to set policy. I review
16 recommendations from the commissioners.

17 Q. And that includes the commissioner for the
18 Buffalo Police Department or BPD?

19 A. That's correct.

20 Q. Okay. And does that also include -- do you
21 also have the ability to review policies
22 related to the BTVA?

23 A. I do.

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1 Q. And is there someone from -- to the extent
2 that the BPD does receive overtime year in and
3 year out, is there anyone from your office
4 involved in approving those requests?

5 A. That would be reviewed by the police
6 commissioner and the police commissioner's
7 management staff and there would be review by
8 the finance commissioner and the Department of
9 Finance.

10 Q. Okay. So the mayor's office is not involved
11 in administering overtime requests?

12 A. No.

13 Q. Do you have the ability to veto or disapprove
14 overtime requests by the Department?

15 A. I do not.

16 Q. Are you able to issue executive orders to the
17 Buffalo Police Department?

18 MR. SAHASRABUDHE: Form.

19 A. I could issue executive orders for the police
20 department.

21 Q. Okay. Are there any instances where you have?

22 MR. SAHASRABUDHE: Form.

23 A. Not that I recall at this time.

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1 Q. Are you able to issue directives short of
2 executive orders?

3 A. Am I able to issue directives?

4 Q. Yes.

5 A. Well, I certainly am able to speak to the
6 police commissioner and share concerns with
7 the commissioner, absolutely.

8 Q. Okay. Can you instruct the commissioner to
9 engage in certain police activities?

10 MR. SAHASRABUDHE: Form.

11 A. I generally do not direct the police
12 commissioner to engage in different police
13 activities.

14 Q. Is that an ability that you have, however?

15 MR. SAHASRABUDHE: Form.

16 A. It is not the way I manage, so I would say no.

17 Q. Is there anything that restricts you from
18 issuing directives to the Department
19 commissioners?

20 MR. SAHASRABUDHE: Form.

21 A. So the police commissioner and the management
22 staff of the police commissioners are public
23 safety professionals trained in providing

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1 public safety, so I do not issue directives to
2 the police commissioner in that way.

3 Q. So you referred to a managerial style just a
4 minute ago with respect to the BPD. Do you
5 recall that?

6 A. Yes, I do.

7 Q. So is your managerial style to defer to the
8 BPD commissioner when it comes to the
9 decisions about police activity?

10 MR. SAHASRABUDHE: Form.

11 A. I, of course, listen to the recommendations of
12 the police commissioner and the commissioner's
13 management staff.

14 Q. Can you think of an instance where you have
15 disapproved any decisions that a police
16 commissioner has made?

17 MR. SAHASRABUDHE: Form.

18 A. I would not take the position of disapproving.
19 I would look over proposals, I would go over
20 situations, offer my concerns or
21 recommendations for the concerns of the
22 community and then the commissioner and the
23 commissioner's management team would make

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1 decisions.

2 Q. How many police commissioners have there been
3 over the BPD during your time as mayor?

4 A. I believe that answer would be four.

5 Q. Can you remind us of their names?

6 A. H. McCarthy Gibson, Daniel Derenda, Byron
7 Lockwood and Joseph Gramaglia.

8 Q. Were you responsible for appointing each of
9 those individuals to their position as
10 commissioner?

11 A. Yes.

12 Q. And how did you determine each of those
13 individuals qualified to serve as commissioner
14 for the BPD?

15 MR. SAHASRABUDHE: Objection to form.

16 A. Interviews, reviewing resumes, reviewing
17 experience and training in law enforcement.

18 Q. In the case of Commissioner Derenda, Lockwood
19 and Gramaglia, did you perform reference
20 checks?

21 MR. SAHASRABUDHE: Objection to form.

22 A. All of those individuals had long tenures in
23 the police department spanning several

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1 being taken completely off guard about
2 something that Commissioner Derenda, Lockwood
3 or Gramaglia were doing that affected the BPD
4 because you were never informed?

5 MR. SAHASRABUDHE: Objection to form.

6 A. I would say that there were not those
7 instances.

8 Q. So generally speaking, Commissioners Derenda,
9 Lockwood and Gramaglia kept you well-informed
10 about the BPD's activities?

11 A. That is correct.

12 Q. During their tenure as commissioners was there
13 anything that Commissioners Derenda, Lockwood
14 or Gramaglia did with respect to the BPD that
15 you strongly disagreed with?

16 MR. SAHASRABUDHE: Objection to form.

17 A. No. There were not instances of the
18 management of Commissioners Derenda, Lockwood
19 and Gramaglia that I strongly disagreed with.

20 Q. As mayor have you approved of the policing
21 decisions that Commissioners Derenda, Lockwood
22 and Gramaglia have made in the City of
23 Buffalo?

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1 MR. SAHASRABUDHE: Objection to form.

2 A. I think those commissioners have made good
3 policing decisions based on the needs of this
4 community.

5 Q. There's nothing that you've instructed them to
6 discontinue, for instance?

7 MR. SAHASRABUDHE: Form.

8 A. Again, the commissioners would talk about
9 police strategies and tactics. I'd give my
10 recommendations, my insight, but those
11 decisions would be made by the commissioners.

12 Q. So there's nothing with respect to police
13 initiatives under Commissioners Derenda,
14 Lockwood or Gramaglia that you had recommended
15 be discontinued or concerns you have?

16 MR. SAHASRABUDHE: Objection to form.

17 A. Again, I would look at police initiatives,
18 strategy, tactics. I would give my thoughts,
19 my ideas, my concerns, my praise and in some
20 instances, but certainly would leave it to the
21 commissioners to make the final determination,
22 recommendation on the discontinuance of any
23 policing initiative knowing that periodically

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1 policing strategy and tactics are varied in
2 our department.

3 Q. Okay. But with respect to initiatives,
4 policing initiatives that Commissioners
5 Derenda, Lockwood and Gramaglia engaged in as
6 commissioner, you reviewed and approved their
7 decisions ultimately?

8 MR. SAHASRABUDHE: Form.

9 A. The commissioners manage the Department. And
10 I don't try to insert myself into the
11 decisions of the various commissioners. We
12 talk about those decisions. They explain
13 those decisions to me. I give feedbacks,
14 concerns and recommendations, but ultimately
15 the management of our various departments is
16 the responsibility of the commissioners.

17 Q. How do you reconcile that approach with your
18 duty as mayor to ensure that city officials
19 follow the law?

20 MR. SAHASRABUDHE: Objection to form.

21 A. I think that by meeting frequently with
22 commissioners and discussing the goals,
23 mission and objectives of our government that

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1 is a way of doing that. By them reporting out
2 the activities of their departments and the
3 priorities of their departments in line with
4 the goals, mission and objectives of the
5 government overall, that is a way of providing
6 oversight, of providing guidance and to some
7 degree monitoring the actions and activities
8 of our commissioners.

9 Q. You agree that as mayor you have a role to
10 monitor the activities of the BPD
11 commissioners?

12 MR. SAHASRABUDHE: Objection to form.

13 A. Again, my management role extends to every
14 commissioner including the BPD commissioner
15 and I take that role very seriously and meet
16 frequently with our commissioners.

17 Q. And so when -- given the extent to which you
18 collaborate when the BPD commissioners ask
19 it's with the approval of your office. Is
20 that fair?

21 MR. SAHASRABUDHE: Objection to form.

22 A. Major policy decisions that BPD commissioners
23 are making, I am aware of those decisions.

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1 Q. Daniel Derenda, commissioner of police,
2 informed you that the BPD intended to use
3 checkpoints as part of a plan to address gang
4 violence, correct?

5 MR. SAHASRABUDHE: Objection to form.

6 A. The primary purpose of checkpoints was vehicle
7 and traffic interdiction. The Strike Force
8 was a unit that was a proactive unit that was
9 designed to reduce crime in the City and the
10 traffic checkpoint moved from place to place
11 in the City as did the Strike Force.

12 Q. I'm sorry, Mayor Brown. We must be
13 misunderstanding each other because you
14 repeated your previous answer without any
15 consideration of the question I asked.

16 So why don't I pull up a document and
17 we'll mark it as Exhibit 5 for this
18 deposition. It was produced in discovery as
19 COB 226141. Let me know if it's large enough
20 for you to see.

21 A. I can see the top of the document.

22 Q. It's two pages. I'm showing you the first
23 page. Do you see that this is an email from

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1 A. I know that there have been some concerns
2 raised about the checkpoints.

3 Q. Do you recall attending a forum at Mt. Olive
4 Baptist Church concerning policing in Buffalo?

5 A. I have attended a lot of forums at Mt. Olive
6 Baptist Church. I don't recall specifically
7 what format you might be describing.

8 Q. Do you recall a forum that was held in
9 conjunction with the Commission on Citizens
10 Rights and Community Relations in 2014,
11 December 2014, at the Mount Olive Baptist
12 Church where you were present?

13 A. I don't recall.

14 Q. Do you recall there being research completed
15 by the University of Buffalo concerning the
16 checkpoint program in the City of Buffalo?

17 MR. SAHASRABUDHE: Form.

18 A. I don't recall.

19 Q. Mayor Brown, I'd like to direct you to a
20 document. I think we're up to Exhibit 16.
21 I'm marking as Exhibit 16 the following
22 document that was produced in discovery as COB
23 082897 and it's links to an article in the

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—MAYOR BYRON BROWN—

1 Daily Public.

2 Mr. Brown, are you able -- Mayor Brown,
3 are you able to see this cover email?

4 A. Yes. It's an email from Byron Brown sent to
5 members of the police department.

6 Q. Including the deputy commissioner at the time?

7 A. That's correct.

8 Q. It's sending an article from the Daily Public?

9 A. Yes.

10 Q. The Daily Public is a news source that you at
11 least occasionally review?

12 MR. SAHASRABUDHE: Form.

13 A. The Daily Public I guess was a news source at
14 that time. I don't recall it, so I doubt it
15 still even exists.

16 Q. Okay. As I proceed you see -- you have the
17 article that was disseminated by you?

18 A. Right.

19 Q. On July 13th, 2015 called "Checkpoint, Buffalo
20 Police Practices Questioned"?

21 A. Yes, I see it.

22 Q. I'll try to adjust it. There are
23 advertisements on the right side.

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—MAYOR BYRON BROWN—

1 some.

2 Q. Okay. And you reviewed this map back in 2016
3 when this article first came about?

4 MR. SAHASRABUDHE: Form.

5 A. I don't know if I reviewed the map, but
6 obviously I saw the article and I forwarded
7 the article.

8 Q. This map, what does it indicate regarding
9 checkpoint locations and their geographic
10 distribution?

11 MR. SAHASRABUDHE: Objection to form.

12 A. The map shows that there were a good number of
13 checkpoints in the northeast section of the
14 city, some in the west, some in the north,
15 some in the central city, some in the southern
16 portion of the city.

17 Q. Can you see that right on -- in the article it
18 describes where 60 of the checkpoints took
19 place?

20 MR. SAHASRABUDHE: Form.

21 A. I do see that comment in the article that more
22 than 60 checkpoints across 46 locations. I
23 did just read that, yes.

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—MAYOR BYRON BROWN—

1 Q. And did you see that all but eight of them
2 according to this article occurred on
3 Buffalo's predominantly African-American East
4 Side?

5 MR. SAHASRABUDHE: Objection to form.

6 A. I see that comment according to that article.

7 Q. But Mayor Brown -- and I'll stop sharing now.
8 Data concerning checkpoint locations exists
9 within the BPD, correct?

10 A. That's correct.

11 MR. SAHASRABUDHE: Object to the form.

12 Q. Have you had the opportunity to review that
13 data?

14 MR. SAHASRABUDHE: Objection to form.

15 A. I would assume, yes, I have reviewed the data.

16 Q. And isn't it true that BPD checkpoint location
17 data confirms the checkpoints were
18 predominantly on the East Side?

19 MR. SAHASRABUDHE: Objection to form.

20 A. From the information that I just read it looks
21 like a lot of the checkpoints were on the East
22 Side.

23 Q. Okay. Are you aware of any data that

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—MAYOR BYRON BROWN—

1 contradicts that the East Side was where BPD
2 checkpoints were primarily located?

3 MR. SAHASRABUDHE: Object to the form.

4 A. From what I've been presented with today I see
5 no data that contradicts that the East Side
6 was where many of the checkpoints took place.

7 Q. Now, Mayor Brown, since you've had the
8 opportunity to review the complaint in this
9 case, are you familiar with -- and this will
10 be Brown Exhibit 17 I believe, the police
11 checkpoints map that was filed in connection
12 with this case depicting checkpoint locations
13 between January, 2013 and June, 2017.

14 A. Okay.

15 Q. Is this a map that you've seen before?

16 A. I don't recall the map.

17 Q. Okay. Do you see that it indicates by color
18 how many checkpoints occurred in a given
19 geographic location?

20 MR. SAHASRABUDHE: Form.

21 A. Looking at the map, I do see a color coding
22 indicating where checkpoints took place.

23 Q. Is this map, Mayor Brown, consistent with the

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—MAYOR BYRON BROWN—

1 prior map indicating that checkpoints were
2 predominantly on the East Side of Buffalo?

3 MR. SAHASRABUDHE: Form.

4 A. This map does look consistent with the other
5 map that you just showed me.

6 Q. Okay. Now, Mayor Brown, going back to Brown
7 Exhibit 16, you forwarded the article in the
8 Daily Public to Daniel Derenda, Byron Lockwood
9 and others, correct?

10 A. Yes, that's correct.

11 Q. Why did you forward the article to this group
12 of BPD officials?

13 MR. SAHASRABUDHE: Object to the form.

14 A. My view is that I wanted to make sure that
15 what we were doing was being done properly. I
16 wanted to see if the article was accurate and
17 to get more information.

18 Q. Did you request any information from the BPD
19 officials that you contacted?

20 A. I was briefed by BPD officials.

21 Q. What did they brief you on?

22 A. Again, the briefing was that there was no
23 targeting of the East Side, that our traffic

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—MAYOR BYRON BROWN—

1 East Side of Buffalo?

2 MR. SAHASRABUDHE: Objection to form.

3 A. There was an intersection of different
4 missions, so the response to complaints about
5 vehicle safety and vehicle operation,
6 speeding, loud music, intersected with the
7 operation of the Strike Force to address
8 overall crime concerns and the requests from
9 citizens to address shootings, homicides, gang
10 violence, drug dealing.

11 Q. How were the checkpoints used to address drug
12 dealers?

13 MR. SAHASRABUDHE: Objection to form.

14 A. Well, in the intersection of the vehicle and
15 traffic enforcement when vehicles were stopped
16 individuals were found with illegal guns in
17 vehicles, individuals were found with drugs in
18 vehicles and we did see a pattern of crime
19 going down in parts of the city.

20 Q. Mayor Brown, were the checkpoints designed to
21 only stop motorists who were suspected of
22 being drug dealers?

23 MR. SAHASRABUDHE: Objection to form.

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1 A. No. The checkpoints as setup were designed
2 for traffic safety and as motorists went
3 through the checkpoints all motorists were
4 stopped. In fact, I was stopped at a
5 checkpoint.

6 Q. So the way the checkpoints were designed there
7 was no probable cause required to believe that
8 someone had committed a crime in order to be
9 stopped, correct?

10 MR. SAHASRABUDHE: Objection to form.

11 A. Well, for the vehicle and traffic safety
12 issues there were license plate readers so
13 officers were able to determine if vehicles
14 were licensed, if they were registered, if
15 there were crime issues associated with the
16 vehicles.

17 Q. Mayor Brown, it's your testimony that license
18 plate readers were used at every checkpoint
19 that the BPD administered between January,
20 2013 and June, 2017?

21 MR. SAHASRABUDHE: Objection to form.

22 Go ahead.

23 A. I don't know if license plate readers were

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—MAYOR BYRON BROWN—

1 used at every checkpoint, but I know that they
2 were used at some of the checkpoints.

3 Q. Mayor Brown, is your testimony that only cars
4 that returned a hit on a license plate reader
5 were forced to go through the checkpoints that
6 BPD erected?

7 MR. SAHASRABUDHE: Objection to form.

8 A. No. That is not my testimony and I have
9 testified that even my vehicle was stopped in
10 a checkpoint so, no, not only those vehicles
11 that produced hits on license plate readers.

12 Q. Got it. Now, Mayor Brown, earlier you
13 testified, and let me know if I'm mistaken,
14 that -- well, let me ask you this question.

15 So when you were stopped at the
16 checkpoint was there probable cause for your
17 stop?

18 MR. SAHASRABUDHE: Objection to form.

19 A. Counselor, I sure hope not. But when I was
20 stopped I was going through the checkpoint.
21 An officer came to the window and saw that I
22 was driving with a police officer and that I
23 was in the car and as many vehicles in that

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1 traffic safety, again intersecting with the
2 secondary purpose of community safety that the
3 Strike Force was working on and at this point,
4 as I mentioned, the police department varies
5 tactics periodically and checkpoints are no
6 longer being conducted in the City of Buffalo.

7 Q. However, you did approve of the checkpoint
8 program as it was administered, correct?

9 MR. SAHASRABUDHE: Objection to form.

10 A. The checkpoint program as it was proposed and
11 administered I did support at the time.

12 Q. You've never issued any directives prohibiting
13 the checkpoint programs from continuing as it
14 previously did?

15 A. I have not issued any directives prohibiting
16 the checkpoint program from continuing.

17 Q. And the BPD has not issued any policy that
18 would prohibit the checkpoints from being
19 resumed as previous?

20 MR. SAHASRABUDHE: Form.

21 A. Again, BPD and primarily commissioners of the
22 police department vary policing strategies and
23 tactics periodically and the checkpoint

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1 STATE OF NEW YORK)

2 COUNTY OF ERIE)

3
4 I, Rebecca Lynne DiBello, CSR, RPR, Notary
5 Public, in and for the County of Erie, State of
6 New York, do hereby certify:

7 That the witness whose testimony appears
8 hereinbefore was, before the commencement of
9 their testimony, duly sworn to testify the
10 truth, the whole truth and nothing but the
11 truth; that said testimony was taken pursuant
12 to notice at the time and place as herein set
forth; that said testimony was taken down by me
and thereafter transcribed into typewriting,
and I hereby certify the foregoing testimony is
a full, true and correct transcription of my
shorthand notes so taken.

13 I further certify that I am neither counsel
14 for nor related to any party to said action,
15 nor in anyway interested in the outcome
thereof.

16 IN WITNESS WHEREOF, I have hereunto
17 subscribed my name and affixed my seal this
18 19th day of November, 2023.

19 
20 -----

21 Rebecca Lynne DiBello, CSR (NY)
22 Notary Public - State of New York
No. 01D14897420
23 Qualified in Erie County
My commission expires 5/11/2027

DEPAOLO CROSBY REPORTING SERVICES, INC.

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